

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEVEN G. MILLETT,
MELODY J. MILLETT,
On Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

V.

TRANS UNION L.L.C.,

Defendant.

www.pearsoned.com

Cause of Action No. 04-2448-GTV

TRANS UNION LLC'S MOTION TO DISMISS COUNT VI OF COMPLAINT

Trans Union LLC, pursuant to Federal Rule of Civil Procedure 12(b)(6) and 9(b), and Local Rule 7.1, moves the Court for an Order dismissing Count VI of Plaintiffs' Complaint for the reason that Count VI does not allege fraud allegations with the necessary particularity required by Federal Rule of Civil Procedure 9(b). In compliance with Local Rule 7.1, a brief in support of this Motion to Dismiss has been filed contemporaneously with the motion

Respectfully submitted,

s/ James S. Kreamer

JAMES S. KREAMER KS # 14374

ELIZABETH RAINES KS # 20668

BAKER STERCHI COWDEN & RICE, L.L.C.

2400 Pershing Road

Suite 500

Kansas City, Missouri 64108-2533

Tele.: (816) 471-2121

Fax.: (816) 472-0288

ATTORNEYS FOR DEFENDANT

TRANS UNION, L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record on November 19th, 2004 as follows:

Mr. Barry R. Grissom (*via U.S. Mail*)
Attorney at Law
7270 West 98th Terrace
Building 7, Suite 220
Overland Park, Kansas 66212
Counsel for Plaintiffs

B. Joyce Yeager (*via U.S. Mail*)
Yeager Law Firm, L.L.C.
7270 West 98th Terrace
Building 7, Suite 220
Overland Park, Kansas 66212
Counsel for Plaintiffs

s/ James S. Kreamer